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REMARKS

The Examiner's report of June 23, 2005 does not acknowledge the response to Office action filed May 2, 2005. The Examiner's report of June 23, 2005 merely repeats the same rejections contained in the Examiner's report of February 3, 2005. Accordingly, the Applicant repeats its comments upon the prior-art rejections. The Applicant respectfully requests consideration of the arguments below and consequent withdrawal of the art-based rejections.

Comments on Office Action

Claims 1-16 are currently pending in this application. In the Official letter dated June 23, 2005, the Examiner rejected claims 1-3, 6, 8, and 9-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,798,748 to Hessler et al. (hereinafter "Hessler"). The Examiner's rejections have been carefully considered, but are respectfully traversed for the reasons that follow.

The examiner has rejected claims 1-3, 6, 8, 9-16 as being anticipated by Hessler. Turning firstly to Independent claim 1, contrary to the examiner's statement that all elements are disclosed in the Hessler reference, not all elements in claim 1 are disclosed; Hessler does not disclose extracting from the frame the associated tandem connection monitoring information for each of the plurality of tandem connection trails having trail terminations at the network element prior to processing the tandem connection monitoring information for any of the tandem connection trails having trail terminations at the network element. In contrast, Hessler is directed towards enhanced multiframe alignment for tandem connection trails. The Examiner points to Column 2, line 64 through Column 3, line 9 of Hessler for the feature underlined above. In contrast to the Examiner's assertion, Hessler teaches that "the operation of a tandem connection trail at the tandem connection sink is based on a standardized protocol." (Column 2, ll. 64-65)

According to the conventional approach of the standard protocol referred to by Hessler, multi-level TCM processing is done serially such that each piece of

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tandem connection monitoring information for each tandem connection trail terminating at the network element is extracted and processed serially, such that a first piece of tandem connection monitoring information for a first tandem connection trail terminating at the network element is extracted and processed before a second piece of tandem connection monitoring information for a second tandem connection trail terminating at the network element is extracted and processed (see, for example, the "Background of the Invention" section at page 2 of the specification, as originally filed). On a close reading of Hessler, Hessler fails to teach or suggest extracting from the frame the associated tandem connection monitoring information for each of the plurality of tandem connection trails having trail terminations at the network element prior to processing the tandem connection monitoring information for any of the tandem connection trails having trail terminations at the network element, as presently claimed.

Independent claims 9 and 13 recite similar features not shown in Hessler. With respect to claim 9, Hessler does not show a network element configured to extract from the received signals, independently for each of the tandem connection monitoring terminations occurring at the network element, the tandem connection monitoring information associated therewith. With respect to claim 13, Hessler does not show a method including the step of processing at the network element the first tandem connection monitoring information in parallel with the second tandem connection information.

Accordingly, it is submitted that the rejection of independent claims 1, 9 and 13 and dependent claims 2,3,6,8,10,11,12, 14 and 15 under 35 U.S.C § 102 is unsupported by the art and should be withdrawn.

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being obvious over Hessler in view of U.S. Patent No. 6,104,702 to Vissers. The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being obvious over Hessler in view

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of U.S. Patent No. 6,577,594 to Abbas. The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over Hessler in view of a designer's choice.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, or incentive supporting the combination. In the present case, it is submitted that there is no motivation within the references to combine them as even if the references were combined they would not result in what is claimed - as noted above, Hessler does not disclose all the elements of independent claims 1, 9 and 13 and so combining Hessler with the further references would not result in the subject matter of dependent claims 4, 5 or 7.

Accordingly, it is submitted that the rejection of dependent claims 4, 5 and under 35 U.S.C. § 103 is unsupported by the art and should be withdrawn.

It is respectfully submitted that the remarks herein represent a complete response to all outstanding issues and place the subject application into condition for allowance. Favorable consideration and allowance is respectfully requested.

Respectfully Submitted,

Nortel Networks Limited

By:


David J. Greer, Regn. No. 43,395

Place: Toronto, Ontario, Canada

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